

UNITED STATES PRETRIAL SERVICES AGENCY
Eastern District of New York

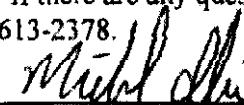
MEMORANDUM

DATE: August 1, 2012
TO: Honorable Kiyo Matsumoto
United States District Judge
RE: Fusella, Gerardo
Docket No.: 11CR844-01

Informational Bail Violation Memorandum

The above referenced defendant made his initial appearance on December 22, 2011 before United States Magistrate Robert M. Levy and was released on a \$1,000,000 cosigned bond with the following additional conditions: travel restricted to the Eastern and Southern Districts of New York and New Jersey; avoid contact with victims, witnesses, or potential witnesses; surrender passports and do not re-apply; subject to home/employment visits; subject to random drug-testing and, if necessary, treatment; shall not possess a firearm; and report as directed to Pretrial Services. At a bail revocation hearing on March 29, 2012, wherein AUSA Whitman Knapp made allegations the defendant continued to engage in the threatening of another person, the following additional release conditions were imposed: subject location monitoring with a daily curfew from 5am to 9pm; must pay the cost of location monitoring; shall avoid and no direct or indirect contact with John Doe #1, his personnel and employees; and shall identify all telephone lines that he uses and shall consent to Pretrial Services inspecting any phone records, text messages, or other communications. On July 17, 2012, Your Honor modified the curfew so that monitoring would be done with voice verification technology rather than an ankle bracelet. The defendant is set to appear before Your Honor on August 1, 2012 for a status conference.

We are now writing Your Honor to advise of bail violations. Specifically, the defendant missed three curfew calls between July 24th and July 30th, 2012. The New Jersey Pretrial Services office has spoken to the defendant about the missed calls, and the defendant has told them he was home but was asleep during that time and either accidentally hung up right away or just did not get the phone call. Though we are concerned about this noncompliance, Pretrial Services is not making any recommendation at this time and will continue to closely monitor the defendant. If there are any questions, please do not hesitate to contact Officer Michael Ilaria at (718) 613-2378.

Prepared by: 
Michael Ilaria
U.S. Pretrial Services Officer

Approved by: 
Ignace Sanon-Jules
Supervising Pretrial Services Officer

cc: AUSA Whitman Knapp
Defense counsel Stuart Rubin